

REMARKS

Restriction is required by the Examiner under 35 U.S.C. 121 and 372. The restriction is between Groups I-XIV as outlined on pages 2-3 of the Office Action. The Examiner further requires election of species with respect to the carbohydrates and various diseases treatable by the method claims. The requirement for restriction is respectfully traversed. Reconsideration and withdrawal thereof are requested.

At the outset, Applicants traverse the restriction requirement. Indeed, Group II as set forth by the Examiner overlaps substantially with Group I since Group I requires the presence of two components (e.g. low purity complex carbohydrate and essential oil) whereas Group II only requires the presence of the low purity complex carbohydrate since the essential oil in Group II is optional. In order to expedite prosecution, Applicants have amended Group II so as to expressly exclude the presence of the optional ingredient. This amendment provides a clear distinction between the inventions of Groups I and II. This amendment also renders Group IV, drawn to claim 23, entirely unnecessary since claim 23 is fully within the scope of Group II. That is, Groups II and III have been effectively combined by this amendment.

The Examiner further inadvertently mischaracterized the invention in setting up the various groups. According to the

Examiner, the invention of Group II is "drawn to a pharmaceutical composition comprising a glycosaminoglycan and an essential oil' hyaluronic acid." This is not correct. Hyaluronic acid is not an essential oil. Moreover, the essential oil is optional in original Group II. Also, Group III is fully within the scope of Group I as it is subgeneric thereto. Note that hyaluronic acid is a species of glycosaminoglycan. Further, Group IV is fully subgeneric to Group II with or without the instant amendments to claim 19. Group X is subgeneric to Group I since mannan is one of the claimed complex carbohydrates.

Originally filed claim 22 specifically provided that ..."said composition does not contain an essential oil as an active ingredient." Therefore, claim 22 does not belong in Group III. Rather, claim 22 belongs in Group II since Group II as originally presented was generic to the presence or absence of essential oil. Originally filed claim 23 was placed into Group IV by the Examiner. However, this claim falls within originally filed claim 19 (e.g. Group II) since Group II as originally presented was generic to the presence or absence of essential oil. Thus, claim 23 should be included with Claims 19 and 22. Additionally, Claim 69 refers back to Claims 1 or 19 and should be placed in Group II.

As to the nine-way restriction with respect to the methods, the Examiner should note that all of the diseases listed relate to inflammation and should be considered together. Alternatively, the Examiner should follow rejoinder practice with respect to the method claims.


For the purposes of election, Applicants elect the invention of Group II, claims 19, 36-38, 42, 42, 47, 49, 60, 66 and 68 "drawn to a pharmaceutical composition comprising a glycosaminoglycan and an essential oil hyaluronic acid." The Examiner should note, however, that the inventions of Groups II and III have been effectively combined due to amendments to the claims. Applicants further elect (i) "glycosaminoglycans" and if necessary "hyaluronic acid" as a species of carbohydrate and (ii) "allergy" as a species of disease. The Examiner should also note that all diseases listed are related to inflammation (e.g. see claim 35). Claims 19, 22, 23, 33, 34, 35, 36, 37, 38, 42, 47, 48, 60 and 63-71 read on the elected invention.

Applicants further request rejoinder of any process claims that contain all the limitations of the allowed product. See MPEP 821.04 entitled "Rejoinder".

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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